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10/733,484	12/11/2003	Rudolf Petermann	600.1300	7698

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EXAMINER

FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/733,484
Filing Date: December 11, 2003
Appellant(s): PETERMANN, RUDOLF

MAILED

JUL 2 8 2006

GROUP 2800

William C. Gehris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/12/06 appealing from the Office
action mailed 3/30/06.

Art Unit: 2854

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

This appeal involves claims 1-15.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6, 748, 860	Loffler et al.	06-2004
JP 10307331	Isogawa et al.	5-1997

Art Unit: 2854

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Loffler et al. (US Patent 6,748,860).

Regarding claim 1, Loffler et al. teaches a device graphically superimposing, on printing material printed by the printing material processing machine, data to be displayed (Column 4, Lines 52-58, Lines 65-67 and Figure 1).

Regarding claim 3, Loffler et al. teaches wherein the data is values for opening of ink zones in at least one inking unit of a printing press (Column 5, Line 33-40).

Regarding claim 7, Loffler et al. teaches an operating device for adjusting the opening of the ink zones, the operating device transmitting a signal corresponding to the opening of at least one ink zone to the display device (Abstract and Column 3, Lines 1-11).

Art Unit: 2854

Regarding claim 8, Loffler et al. teaches a display device for graphically displaying the printing material and for graphically superimposing the data to be displayed on the graphically display of the printing material (Column 3, Lines 50-56 and element 3).

Regarding claim 9, Loffler et al. teaches wherein the operating device has a touch screen for adjusting the data to be displayed (Column 3, Lines 50-56)

Regarding claim 10, Loffler et al. teaches wherein the display device has a touch screen for adjusting the data to be displayed (Abstract).

Regarding claim 11, Loffler et al. teaches wherein values for the opening of ink zones are displayable so as to be visually differentiable from the printing material (Column 6, Lines 11-48).

Regarding claim 12, Loffler et al. teaches a printing press having the device for displaying data as recited in claim 1 (Elements 108-115).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2854

Claims 2,4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loffler et al. (US Patent 6,748,860) in view of Isogawa et al. (JP 10,307,331).

Regarding claims 2, 4-6,13 and 14, Loffler et al. teaches the claimed invention with the exception of a data/video projection device located above the printing material with an adjustable lens system that projects variable strip shaped light beams. Isogawa et al. teaches image projector system located above the printing material, which superimposes and projects variable reflective light beams (Abstract, elements 8,9, Paragraphs 0023-0025 and Figures 1,3 and 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Loffler et al. to include a projection system as taught by Isogawa et al., since Isogawa et al. teaches that is advantageous to project a clear and concise image on a screen.

Regarding claim 15, Loffler et al. teaches a sheet support (9, 105) for supporting the printing material.

(10) Response to Argument

Claims 1,3 and 7-12 are properly rejected under 35 U.S.C. 102(b) as being anticipated by Loffler et al.

On page 8 of the brief, Appellant argues, "Loffler et al. does not show or disclose, a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed." The examiner notes that as the actual printed image 12.1 is

Art Unit: 2854

produced/conveyed through the printing unit or the printing press, the image is scanned and superimposed onto the paper.

Also, the examiner would like to point out that the claim is written with extensive intended use language that does not define sufficient structure to patentably distinguish the claimed invention from the prior art. **“A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.”** Therefore, the device claimed in Loffler et al. is capable of performing the intended use of the claim since it prints data on physically-existing printing material. The examiner notes that any printing or copying device is capable of superimposing an image media. Therefore, the arguments are not sufficient to overcome the 102(b) rejection of the claims.

Claim 8 is properly rejected under 35 U.S.C. 102(b) as being anticipated by Loffler et al.

In response to Appellant's arguments on page 9, paragraphs 1 and 2, the examiner notes that the device as a whole shown in figures 1 and 2 acts as a device for graphically superimposing, on physically-existing printing material printed by the printing material machine and the color screen/monitor element 3 functions as the display device for graphically displaying the printing material.

Claims 2, 4-6 and 13-15 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Loffler et al. in view of Isogawa et al.

Art Unit: 2854

Appellant argues on page 9, "Isogawa et al. does not teach superimposing any data on a printed material as claimed in claim 1", however the examiner would again like to point out that any machine is capable of superimposing data and the prior art produces an image that is superimposed.

With reference to appellant's remarks about the combination and motivation on page 9, the examiner notes that it is appropriate to combine references when there is proper motivation to do so. In the present case, there is proper motivation for combining Loffler et al. and Isogawa et al.

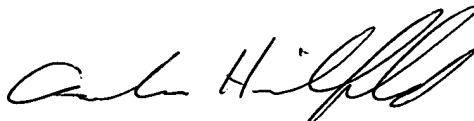
Both references teach a device that can superimpose data. One having ordinary skill in the art would recognize that modifying Loffler et al. as proposed by the examiner would improve the device of Loffler et al. by improving its ability to expand and project the data to be displayed over the entire print material so that the image can be seen clearly and concisely. The teaching for this modification is found in Isogawa et al., which clearly shows a projector device for projecting an image. Therefore, the arguments are not sufficient to overcome the 103(a) rejection of the claims.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

MFS
July 20, 2006

Conferees:
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Art Unit: 2854

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